

August 16, 2022

VIA PRO SE INTAKE

Hon. Sarah Netburn, U.S.M.J.
United States District Court
Thurgood Marshall Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *Arthur Balder v. Susan Sarandon, et al*, Case No.: 1:22-cv-06401-VEC-SN

Hon. Judge Netburn:

I am the plaintiff in this action (the "Plaintiff"). This letter is submitted pursuant to I.A. and I.G. of your Honor's Individual Practices, to respectfully request that the Court orders defendant Susan Sarandon (the "Defendant") comply with the rules as regards to her allotted time to answer.

Regarding this question, the Plaintiff wishes to bring to your attention the next points:

1.) Defendant Susan Sarandon was properly served.

Proof of it is that, additionally, on June 16, 2022 at 3:14 pm See Exhibit 1. She certified herself, within the state of New York, a signature required mailed envelope with all the legal papers related to this case. As the attachment shows under Tracking Number: 9510815425392166113831, the website of the United States Postal Service attests: "Your item was delivered to an individual at the address at 3:14 pm on June 16, 2022 in NEW YORK, NY 10011. The item was signed for by S SARADON."

Defendant Susan Sarandon signed, herself and in person, for the reception of the papers, summons and complaint.

2.) Defendant Susan Sarandon was properly served via her designated agent. On September 14, 2020, after the plaintiff requested the talent release necessary for distribution of the film, which the Defendant had promised since 2016, and never gave for reasons explained in the Amended Complaint, the Defendant clearly directed us, for all future communications, to her agent Shani Rosenzweig, at United Talent Agency, who is also a lawyer. This designated agent to receive any communication was properly served. See Exhibit 2 containing the emails by which the Defendant designated Shani Rosenzweig, an attorney, for any communication.

3.) The workload of Ms Matz is, with all due respect, a frivolity in comparison to the fact that we are here conferring on this matters in Court because a film that took *four years* of work for the plaintiff, and that should have been distributed at the beginning of 2020, is *still* lacking distribution, and all mostly because the defendant, Susan Sarandon, out of malice and on purpose, has tortiously interfered with a contract, manipulated the Plaintiff's partner, and in sum, she has done all in her power to thwart, to ruin the distribution of a film in due time after a festival circuit in 2018-2019 that won more than fifty awards all over the world, with the sole purpose to harm the Plaintiff financially and professionally.

Since this is at the core the demands of the Plaintiff, and since *time* is of the essence, and since the Exhibits accompanying the Amended Demand clearly show how the

Defendant Susan Sarandon has dismissed and tossed away every amicable opportunity that would have rendered the film distributable, it only adds insult to the injury the fact that now: a) She pretends she has not been served, and she is not waiving nor accepting service via her attorneys, when in fact her own attorney removed the case from NY Supreme Court to SDNY Federal Court, and b) She requests more time, knowing that the damages caused are precisely caused by she failing to provide the necessary talent release for distribution at due moment, among other things.

It is in the best interest of the case and of the Defendant to answer the Amended Complaint as soon as possible.

The schedule proposed by the Defendant is a perverse maneuver because in reality it only seeks to prolong the problems that she has caused, knowing that the case requires expeditious moving.

It should not come at the expense of the Plaintiff, to load and make bigger the already immense problems caused by this situation, but only be attributable to the Defendant's irresponsible sense of these matters, that the office of Ms Matz was 'only retained recently prior to removal to this Court', as she affirms in her letter without giving any proof of it, expecting this Court and the Plaintiff to believe it while assuming more gratuitous loss of time. Neither should come gratuitously at the Plaintiff's expense the 'previously existing workload and deadlines' that Ms Matz says to be involved with.

Plaintiff respectfully requests from your Honor to shine a light on the fact that every single day that this film is not distributed, is adding to the ongoing damages, and that we are in this situation because the Defendant has willingly chosen to go down this path against her own commitments, in material breach of contract, and for all these reasons and others the Plaintiff beseeches from your Honor to take into consideration the reality of the situation that the actions of the Defendant has caused, and how time is of the essence, setting a schedule as follows, granting some extra time in good faith on my side, but not turning this situation into a privilege-bar:

Defendant's Moving Papers: on or before August 26, 2022;
Plaintiff's Opposition: on or before September 16, 2022; and
Defendant's Reply: on or before October 6, 2022.

We have conferred with Ms Matz by email, and besides insisting her client had never been served, she has attempted to convince me that the Defendant was not properly served, when in fact the Defendant's attorney herself moved the papers from NY Supreme Court to SDNY Federal Court, and when in fact the Amended Complaint was notified to her via ECF on 08/02/2022. She has added, when served with a copy of the Summons issued by this Court, that "note that we are not authorized to accept service of process of the summons at this time".

Ms Matz writes that the issue of whether proper service of process has been effectuated is an issue to be resolved by the motion. That is wrong. The issue should be solved now in the light of the facts, or else she is turning that postponement only into undue advantage prolonging unnecessarily the schedule.

In any case, in good faith I am accepting an accommodating schedule, but not an undue prolongation of the deadlines that only serves one purpose: increase the damages caused to us.

Of note, as regards to your Honor's "*INDIVIDUAL PRACTICES IN CIVIL CASES G. Requests for Adjournements or Extensions of Time*", where it states:

"and (4) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent."

Ms Matz has failed to properly describe in her letter the reasons why the Plaintiff does not consent as they were presented in writing to her.

The plaintiff argued in writing, additionally:

1. The Defendant requests time simply because she wishes now to coordinate with the other defendants that are part of this case; and, and connected to it,

3. Further proof of the reception of the papers relies on the fact that we have evidence in our power that clearly demonstrates that the Defendant was requesting, in writing, in June 2022, the collaboration of some other defendants by either paying for her lawyers in this matter, or requesting the collaboration of some other defendants' lawyers. Nobody makes such proposition unless it is absolutely in the power of the legal papers, and unless trusting enough the other defendants and being in deep in coordination with them.

We deeply appreciate Your Honor's time and consideration in this matter, beseeching a just resolution that takes into consideration the professional and financial suffering that this ongoing situation is causing, so that the process will avoid prolonging it unnecessarily and against the best interest of the case.

Respectfully Submitted,

/s/Arthur Balder

Cc. Sara M. Matz (via ECF)

EXHIBIT 1

Affidavit of Service and its Exhibits.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Index Number

ARTHUR BALDER, Plaintiff,

656451/2022

- against -

AFFIDAVIT OF SERVICE
OF INITIATING PAPERS

SUSAN SARANDON, Defendant.

**STATE OF NEW YORK
COUNTY OF NEW YORK:**

I, BELLA JAZMIN DE LA GUIA DUARTE, being duly sworn, depose and say:

I am over 18 years of age and am not a party to this case.

I reside at 264 9th St, Jersey City NJ 07302, USA.

Personal Service, Substituted Service, CPLR 308, has been attempted at **the defendant's last known address: 147 West 15th Street, Suite 108, New York, NY, 10011.**

I attempted Personal Service, Substituted Service Step 1, at last known domicile of the defendant, **147 West 15th Street, Suite 108, New York, NY, 10011**, on June 1, 2022, at 16:40 PM, and on the same day at 17:14 PM. It was unsuccessful since nobody answered the street ringer.

I also enclosed a copy of the above papers in a postpaid, sealed envelope properly addressed to defendant's residence, located at **147 West 15th Street, Suite 108, New York, NY, 10011**, and I deposited the envelope in a post office depository under the exclusive care and custody of the United States Postal Service.

I attempted Personal Service, Substituted Service Step 2, mailing the papers by USPS Priority Mail to last known domicile of the defendant, **147 West 15th Street, Suite 108, New York, NY, 10011**, on June 3, 2022, with Tracking Number: 9505515425392154112782. The USPS Tracking Service shows result: "item was delivered in or at the mailbox at 2:43 pm on June 9, 2022 in NEW YORK, NY 10011 See **EXHIBIT 1, Receipt of tracking number, and USPS tracking number online proof of successful delivery in New York City.**

Additionally, Personal Service, Substituted Service, CPLR 308, has been successfully attempted at **the defendant's designated place of business and designated agent, Shani Rosenzweig, at her workplace, United Talent Agency offices, 888 7th Ave New York NY 10106.** [N.Y. C.P.L.R. Law § 308 6. *For purposes of this section, "actual place of business" shall include any location that the defendant, through regular solicitation or advertisement, has held out as its place of business.*]

Since the defendant indicated on an email sent by her on Sep 14, 2020, 1:32 PM that the plaintiff was [we quote her own words as sent to the plaintiff:] **“welcome to reach out to Shani Rosenzweig’s office (Susan’s agent)”**, and being thus this person designated by the defendant as an agent as regards to any additional communications coming from the defendant, the Personal Service, Substituted Service was also successfully attempted as follows to the defendant’s place of business [CPLR 308]:

I enclosed a copy of the above papers in a postpaid, sealed envelope properly addressed to defendant’s place of business, located at **888 7th Ave New York NY 10106**, and I deposited the envelope in a post office depository under the exclusive care and custody of the United States Postal Service.

On June, 8, 2022, a true copy was mailed in a closed and sealed envelope with the writing on it **“For Susan Sarandon, ‘Personal and Confidential’**, being that closed and sealed envelope inside an envelope sent to Shani Rosenzweig at her workplace, United Talent Agency offices, 888 7th Ave New York NY 10106 with the Tracking number 9505515425392159113302, and the USPS Tracking online service states: “item was delivered in or at the mailbox at 10:08 am on June 9, 2022 in NEW YORK, NY 10106.” See **EXHIBIT 2, Receipt of tracking number, and USPS tracking number online proof of successful delivery to Shani Rosenzweig workplace, United Talent Agency, in New York City.**

On June, 9, 2022, the papers were served in person in a closed and sealed envelope with the writing on it **“For Susan Sarandon, ‘Personal and Confidential’**, being that closed and sealed envelope inside another envelope, written on it **“For Shani Rosenzweig Personal and**

Confidential" 'brought in person to Shani Rosenzweig's workplace, United Talent Agency Offices, 888 7th Ave New York NY 10106. This closed and sealed envelope, that stated 'For Shani Rosenzweig, Personal and Confidential' on its cover, was served to an individual of the Mailing Room of the building servicing the offices United Talent Agency located at 888 7th Ave New York NY 1010. The individual that accepted the envelope for Shani Rosenzweig had the following characteristics:

Dressed in a blue uniform, female, color of skin black, black hair, robust complexion; although she was seated all the time she seemed to be a tall woman, perhaps height 5'9" to 6'0", weight 161-200 lbs, age 35 to 50 years.

Military Service

It is my belief that Shani Rosenzweig is not in the US Military Service. The basis for my belief is the conversation(s) and observation(s) described above.

I again attempted Personal Service, Substituted Service Step 1, at last known domicile of the defendant, **147 West 15th Street, Suite 108, New York, NY, 10011**, on June 10, 2022, at 16:55 PM, and on the same day, non-business hours, at 18:15 PM. It was unsuccessful since nobody answered the street level ringer. But then I ringed the 'Super' button. A male voice answered. I requested to deliver an envelope for 'Susan Sarandon' and explained that nobody answered the ringer of Suite 108. The 'super' answered that he was not there, that I could leave the envelope for her in the lobby. I told him there was nobody there. He said that I should come back when somebody is there. He said the way 'it works' is that I should mail it because in his words 'there is no doorman there'.

I also enclosed a copy of the above papers in a postpaid, sealed envelope properly addressed to defendant's residence, located at **147 West 15th Street, Suite 108, New York, NY, 10011**, and I deposited the envelope in a post office depository under the exclusive care and custody of the United States Postal Service.

Since the 'Super' at the last known address of the defendant, **147 West 15th Street, Suite 108, New York, NY, 10011**, had indicated that the defendant would get the envelope if mailed to the defendant, an envelope was sent via USPS on June, 15, 2022, with Tracking Number: 9510815425392166113831. The service was 'signature required'. The option chosen was 'person's signature', not 'electronic signature'.

The USPS online service states when entering that tracking number: "Your item was delivered to an individual at the address at 3:14 pm on June 16, 2022 in NEW YORK, NY 10011. The item was signed for by S SARAUDOU." It is my understanding and belief that "S SARAUDOU" stands as a typographical error for S SARANDON, being S an abbreviation of 'Susan', thus being the defendant herself the person identified as signing in person, not electronically, for the reception of the mailed enveloped, since the Priority Mail 1-Day USPS Signature Required service requires to identify the person who signs for reception of a the mail, and since the option chosen was 'person's signature', not electronic.

The defendant was successfully served by different ways with true copies of the initiating papers of Index Number 656451/2022, and on one occasion at her last known address in NEW YORK, NY 10011. See EXHIBIT 3, Proof of USPS mailed to and signed in person by Susan Sarandon within the State of New York.

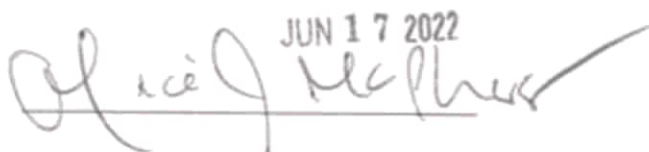
Military Service

It is my belief that Susan Sarandon is not in the US Military Service. The basis for my belief is the conversation(s) and observation(s) described above.

State of New York
County of New York


BELCA JAZMIN DE LA CRUZ DUARTE

Sworn to before me this ____ day of June, 2022

 JUN 17 2022

Notary Public

Alice J. McPherson
Notary Public, State of New York
Reg. No. 03MC6423076
Qualified in New York County
Commission expires 12/31/2025



UNION CITY
301 30TH ST
UNION CITY, NJ 07087-9998
(800)275-8777

06/03/2022

03:09 PM

Product	Qty	Unit Price	Price
Rate Inquiries	1		\$0.00
Priority Mail® 1-Day 1			\$8.95
Flat Rate Env			
New York, NY 10010			
Flat Rate			
Expected Delivery Date			
Mon 06/06/2022			
Tracking #:			
9505 5154 2539 2154 1127 82			
Insurance			\$0.00
Up to \$50.00 included			
Total			\$8.95

Grand Total: \$8.95

Credit Card Remitted \$8.95

Card Name: MasterCard
Account #: XXXXXXXXXXXX9663
Approval #: 079772
Transaction #: 435
AID: A0000000041010 Chip
AL: MASTERCARD
PIN: Not Required CHASE MASTERCARD

Every household in the U.S. is now
eligible to receive a third set
of 8 free test kits.
Go to www.covidtests.gov

Text your tracking number to 28777 (2USPS)
to get the latest status. Standard Message
and Data rates may apply. You may also
visit www.usps.com USPS Tracking or call
1-800-222-1811.

Save this receipt as evidence of
insurance. For information on filing an
insurance claim go to
<https://www.usps.com/help/claims.htm>
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Thank you for your business.

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or scan this code with your mobile device,

Angelica



or call 1-800-410-7420.

Track Another Package +

Tracking Number: 9505515425392154112782

Remove X

Your item was delivered in or at the mailbox at 2:43 pm on June 9, 2022 in NEW YORK, NY 10011.

USPS Tracking Plus® Available ∨

✓ Delivered, In/At Mailbox

June 9, 2022 at 2:43 pm
NEW YORK, NY 10011

Get Updates ∨

- Text & Email Updates ∨
- Tracking History ∨
- USPS Tracking Plus® ∨
- Product Information ∨

See Less ^

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FAQs



UNION CITY
301 30TH ST
UNION CITY, NJ 07087-9998
(800)275-8777

06/08/2022

02:03 PM

Product	Qty	Unit Price	Price
Priority Mail® 1-Day 1			\$9.25
New York, NY 10106			
Weight: 1 lb 1.50 oz			
Expected Delivery Date			
Fri 06/10/2022			
Tracking #:			
9505 5154 2539 2159 1133 02			
Insurance			\$0.00
Up to \$50.00 included			
Total			\$9.25

Grand Total: \$9.25

Credit Card Remitted \$9.25

Card Name: MasterCard
Account #: XXXXXXXXXXXX9663
Approval #: 077852
Transaction #: 462
AID: A0000000041010 Chip
AL: MASTER CARD
PIN: Not Required CHASE MASTERCARD

Every household in the U.S. is now
eligible to receive a third set
of 8 free test kits.
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Text your tracking number to 28777 (2USPS)
to get the latest status. Standard Message
and Data rates may apply. You may also
visit www.usps.com USPS Tracking or call
1-800-222-1811.

Save this receipt as evidence of
insurance. For information on filing an
insurance claim go to
<https://www.usps.com/help/claims.htm>
or call 1-800-222-1811

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Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device,



or call 1-800-410-7420.

UFN: 338610-0370
Receipt #: 840-50700112-4-1662879-2
Clerk: 03

Track Another Package +

Tracking Number: 9505515425392159113302

Remove X

Your item was delivered in or at the mailbox at 10:08 am on June 9, 2022 in NEW YORK, NY 10106.

USPS Tracking Plus® Available ▾

✓ Delivered, In/At Mailbox

June 9, 2022 at 10:08 am
NEW YORK, NY 10106

Get Updates ▾

- Text & Email Updates ▾
- Tracking History ▾
- USPS Tracking Plus® ▾
- Product Information ▾

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Go to our FAQs section to find answers to your tracking questions.

FAQs



UNION CITY
301 30TH ST
UNION CITY, NJ 07087-9998
(800)275-8777

06/15/2022

03:33 PM

Product	Qty	Unit Price	Price
Priority Mail® 1-Day 1			\$8.70
New York, NY 10011			
Weight: 0 lb 15.70 oz			
Expected Delivery Date			
Fri 06/17/2022			
Tracking #:			
9510 8154 2539 2166 1138 31			
Insurance			\$0.00
Up to \$50.00 included			
Signature			\$3.45
Confirm			
Total			\$12.15

Grand Total: \$12.15

Credit Card Remitted \$12.15

Card Name: MasterCard
Account #: XXXXXXXXXXXX9663
Approval #: 00405Z
Transaction #: 484
AID: A0000000041010 Chip
AL: MASTERCARD
PIN: Not Required CHASE MASTERCARD

Every household in the U.S. is now
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of 8 free test kits.
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Text your tracking number to 28777 (2USPS)
to get the latest status. Standard Message
and Data rates may apply. You may also
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Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
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or scan this code with your mobile device,



or call 1-800-410-7420.

Track Another Package +

Tracking Number: 9510815425392166113831

Remove X

Your item was delivered to an individual at the address at 3:14 pm on June 16, 2022 in NEW YORK, NY 10011. The item was signed for by S SARAUDOU.

USPS Tracking Plus® Available ∨

✓ Delivered, Left with Individual

June 16, 2022 at 3:14 pm
NEW YORK, NY 10011

Get Updates ∨

Text & Email Updates	∨
Proof of Delivery	∨
Tracking History	∨
USPS Tracking Plus®	∨
Product Information	∨

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

EXHIBIT 2

Shani Rosenzweig was designated by Defendant Susan Sarandon as the right person to direct any communications: Emails sent by Defendant on September 14, 2020.



MP Production Office <meatpacking.productions@gmail.com>

Letter from Mr Nejib Ayed, Director General of 53rd Carthage Film Festival (JCC)

Bryan Gibbs <sillygooseemail@gmail.com>

Mon, Sep 14, 2020 at 1:32 PM

To: MP Production Office <meatpacking.productions@gmail.com>

Unfortunately this is not how agreements work, but you're more than welcome to reach out to Shani Rosenzweig's office (Susan's agent) at srassistant@unitedtalent.com.

Thanks,

BRYAN GIBBS | Office of Susan Sarandon

[Quoted text hidden]



MP Production Office <meatpacking productions@gmail.com>

Letter from Mr Nejib Ayed, Director General of 53rd Carthage Film Festival (JCC)

Bryan Gibbs <sillygooseemail@gmail.com>

Mon, Sep 14, 2020 at 10:07 AM

To: MP Production Office <meatpacking productions@gmail.com>

Please refer any inquiries to Susan's agents. Thank you.

BRYAN GIBBS | Office of Susan Sarandon

[Quoted text hidden]